

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS

GALVESTON DIVISION

ANDY MONROE, III, #87258

V.

ROBERT MCCURLEY, ET AL.

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§


CIVIL ACTION NO. G-04-636

**ORDER OF DISMISSAL**

Before the Court for its Order of Acceptance is a Report and Recommendation of the United States Magistrate Judge, entered on February 16, 2006, which recommends that Defendants' Motion for Summary Judgment be granted and the instant cause be dismissed with prejudice pursuant to *Heck v. Humphrey*. Monroe has filed objections to the Report and Recommendation consisting of three, one-line statements, each of which was appropriately and correctly addressed in the Report and Recommendation. Plaintiff claims, even if true, fail to surmount the legal bar of *Heck*.

After *de novo* review pursuant to 28 U.S.C. §636 (b)(1)(C), this Court is of the opinion that the Report and Recommendation of the Magistrate Judge should be, and it is hereby, **ACCEPTED** in its entirety and incorporated by reference herein. It is the **ORDER** of this Court that Defendants' Motion for Summary Judgment is **GRANTED** and this cause is **DISMISSED** with prejudice under *Heck*.

**DONE** at Galveston, Texas, this the 9<sup>th</sup> day of March, 2006.

  
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Samuel B. Kent  
United States District Judge